

09/27/01 Customer Number: 000959
DIVISIONAL APPLICATION TRANSMITTAL FORM
UNDER RULE 1.53(b)

| | | | | |
|--------------------|--|-----------|---|--|
| DOCKET NUMBER | ANTICIPATED CLASSIFICATION OF THIS APPLICATION: | | PRIOR APPLICATION SERIAL NUMBER: 09/284,422 | PRIOR APPLICATION FILING DATE: APRIL 9, 1999 |
| BBI- 5035CPUSDV | CLASS: | SUBCLASS: | EXAMINER: M. BORIN | ART UNIT: 1631 |

COMMISSIONER FOR PATENTS
 BOX PATENT APPLICATION
 WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: September 25, 2001 Mailing Label Number: EL 489 806 564 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Viriato G. Cardoso
 Name of Person Mailing Paper

Viriato G. Cardoso
 Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/284,422 filed on April 9, 1999, of Hans P. Albrecht, John A. Hamish, Kenneth D. Brady, William G. Harter, Catherine R. Kostlan, Bruce D. Roth, and Nigel Walker entitled Sulfonamide Interleukin-1 β Converting Enzyme Inhibitors.

1. ☒ Enclosed is a copy of the national phase application papers:
 - ☒ Return Postcard (1 page)
 - ☒ Transmittal Letter of Patent Application (2 pages)
 - ☒ International Search Report (8 pages)
 - ☒ Executed Declaration and Power of Attorney (5 pages)
 - ☒ Notification of Transmittal of the International Preliminary Examination Report (6 pages)
- ☒ Enclosed is a courtesy copy of the international publication no. WO 98/16505 from international application no. PCT/US97/18396, with Search Report, including:
 - ☒ 36 pages of specification and 2 pages of PCT Publication Cover Sheets (Title, Abstract, etc.)
 - ☒ 12 page(s) of claims
 - ☒ 4 sheet(s) of International Search Report

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/284,422 as originally filed on April 9, 1999.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).

09/25/01 J1060 U.S. PTO

J1033 U.S. PTO
 09/964114
 09/25/01

09964114-092501

3. ☒ The filing fee is calculated below:

| | NUMBER OF CLAIMS FILED | | | NUMBER EXTRA |
|--|---------------------------|-------|-------|-----------------|
| TOTAL | * 33 | MINUS | ** 20 | = 13 |
| INDEP. | * 3 | MINUS | *** 3 | = 0 |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS | | | | |

| SMALL ENTITY | |
|--------------|--------|
| RATE | FEE |
| x 9 = | \$0.00 |
| x 40 = | \$0.00 |
| +135 = | \$0.00 |
| BASIC FEE | \$0.00 |
| TOTAL | \$0.00 |

OR

| OTHER THAN A SMALL ENTITY | |
|------------------------------|-----------|
| RATE | FEE |
| x 18 = | \$ 234.00 |
| x 80 = | \$ 0.00 |
| + 270 = | \$0.00 |
| BASIC FEE | \$710.00 |
| TOTAL | \$944.00 |

OR

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this communication, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of \$944.00 is enclosed for payment of the filing fee.
6. ☒ Cancel in this application original claims 2-10, 12-18, 25, 32, 42-47, 58 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the following paragraph: "This application is a divisional application of application no. 09/284,422, filed on April 9, 1999, Allowed, which is a US National Phase Application of PCT/US97/18396, filed October 9, 1997, and which claims priority to provisional application no. 60/028,313, filed October 11, 1996. The contents of all of the aforementioned applications are hereby incorporated by reference in their entireties."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. _____ filed on _____ in _____ is claimed under 35 U.S.C. §119.
☐ The certified copy has been filed in prior application serial no. _____ filed on _____.
☐ The certified copy will follow.
12. ☒ The prior application is assigned of record to Warner-Lambert Company and BASF Aktiengesellschaft, Reel 9747 & Frame 0774.
13. ☐ A _____ month extension of time has been submitted in the parent application Serial No. _____ in order to establish compendancy with the present application.
14. ☒ Also enclosed is a paper copy of a Sequence Listing comprising four (4) pages.
15. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
a. ☐ The power appears in the original papers in the prior application.
b. ☒ Because the power does not appear in the original papers, copies of the Associate Power of Attorney dated June 29, 2001 (2 pages) and Revocation of Prior Powers of Attorney and Appointment of New Power of Attorney dated May 30, 2001 (3 pages) are enclosed.
c. ☐ A new power has been executed and is attached.

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16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Giulio A. DiConti, Jr. at **Customer Number: 000959** whose address is:

Lahive & Cockfield, LLP
28 State Street
Boston, Massachusetts 02109

17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.
18. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/284,422. Please use the computer readable form of application serial no. 09/284,422 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/284,422 are the same.

September 25, 2001

Date _____

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, Massachusetts 02109
Tel. (617) 227-7400

Peter Chaus

Peter C. Lauro, Esq.

Reg. No. 32,360

☐ inventor(s) ☐ filed under §1.34(a)

- ☐ assignee of complete interest

☒ attorney or agent of record